UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-31 and 33-51* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-31 and 33-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *04/27/09*.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 22-31 and 33-51 are rejected under 35 U.S.C. 102(e) as being

anticipated by Ito et al. (EP 1359777A2).

Regarding claims 22 and 39, Ito et al. (figures 2 and 3) disclose a method

comprising: establishing a data connection between a source communication device

(10) and a

destination communication device (20), transferring a data collector from the destination

communication device to the source communication device, wherein the data collector

is programmed to collect user data on the source communication device, executing the

data collector in the source communication device for collecting user data to be

transferred from the source communication device to the destination communication

device using the data collector, and transferring the collected user data from the source

communication device to the destination communication device using the data collector

(paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 23, Ito et al. disclose wherein a migration tool within the

destination communication device migrates the transferred data into the destination

communication device by translating the transferred data into a data format of the

destination communication device (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 24, Ito et al. disclose wherein the data connection is a wired or

wireless connection (see figure 2).

Regarding claim 25, Ito et al. disclose wherein the collected data is transferred

from the source communication device to the destination communication device using a

standard data format (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 26, Ito et al. disclose wherein the data collector translates the

collected data into the standard data format, wherein the data collector transfers the

translated data to the destination communication device using the data connection, and

wherein the transferred data is translated from the standard format into a destination

communication device specific format using a migration tool (paragraphs 73, 74, 100-

102, 136, and 157-160).

Regarding claim 27, Ito et al. disclose wherein after establishing the data

connection between the source communication device and the destination

communication device, the source communication device is identified (paragraphs 73,

74, 100-102, 136, and 157-160).

Regarding claim 28, Ito et al. disclose wherein the source communication

device is identified by requesting a type identification and/or capability information

about the source communication device (paragraphs 73, 74, 100-102, 136, and 157-

160).

Regarding claim 29, Ito et al. disclose wherein the migration tool provides at

least one data collector for a particular source communication device, and wherein after

identifying the source communication device a compatibility between the source

communication device and the at least one provided data collector is checked

(paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 30, Ito et al. disclose wherein in case none of the at least one

provided data collectors is compatible with the identified source communication device,

a compatible data collector is loaded onto the destination communication device

(paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 31, Ito et al. disclose wherein a communication connection is

established between the destination communication device and a server to download

the compatible data collector for the identified source communication device from the

server onto the destination communication device (paragraphs 73, 74, 100-102, 136,

and 157-160).

Regarding claim 33, Ito et al. disclose wherein the data collector enables

access to data within the source communication device (paragraphs 73, 74, 100-102,

136, and 157-160).

Regarding claim 34, Ito et al. disclose wherein the destination communication

device controls the data collector (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 35, Ito et al. disclose wherein the migration tool within the

destination communication device controls the data collector (paragraphs 73, 74, 100-

102, 136, and 157-160).

Regarding claim 36, Ito et al. disclose wherein the data collector is executed

on the source communication device according to security rules within the source

communication device (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 37, Ito et al. disclose wherein the data collector collects

available data types within the source destination communication device, wherein

information on the available data types is transferred from the source communication

device to the destination communication device, wherein from the available data types,

data types can be selected by a user, and wherein only data of the selected data types

is collected by the data collector (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 38, Ito et al. disclose wherein the available data types are

presented to a user for user selection via a user interface of the destination

communication device (paragraphs 73, 74, 100-102, 136, and 157-160).

Regarding claim 40, Ito et al. (figure 1 and 2) disclose a communication device

comprising: a communication unit (20) to establish a data connection with a source

communication device (10), a data collector programmed to collect user data on the

source communication device to be transferred from the communication device to the

source communication device and to be executed in the source communication device

for collecting user data to be transferred to the communication device, and receiver for

receiving the collected user data from the source communication device (paragraphs

73, 74, 100-102, 136, and 157-160).

Regarding claim 41, Ito et al. (figures 1 and 2) disclose a communication device

comprising: a communication unit to establish a data connection with a destination

communication device (20), an operating environment to execute a data collector

programmed to collect user data on the source communication device provided by the

destination communication device for collecting the user data to be transferred to the

destination communication device and to transfer the collected user data to the

destination communication device (paragraphs 73, 74, 100-102, 136, and 157-160).

Claims 42-51 are rejected with the same reasons set forth in the rejection of

claims 22, 39, and 40 above (see Ito et al., paragraphs 73, 74, 100-102, 136, and 157-

160).

Response to Arguments

Applicant's arguments with respect to claims 22-31 and 33-51 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quochien B. Vuong whose telephone number is (571)

272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/
Primary Examiner, Art Unit 2618